

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY PLANNING BOARD

MEETING DATE: November 16, 2017

SUBJECT: Revised Master Plan and Development Plan for The Boulders Subdivision (2007-M01) (2017 Revised Master and Development Plan)

PRESENTER: Allen McNeill, Planner

ATTACHMENTS: 1. Staff Report
2. Aerial Map
3. Master Plan Documents

SUMMARY OF REQUEST:

On August 28, 2017, applicant Scott Bolyard submitted a Revised Master and Development Plan for The Boulders major subdivision. The Subject Area is located on 57.32 acres of land located off Randy Drive. The applicant is proposing a total of 58 single-family units. Portions of the Subject Area are located within the conservation areas as dictated by the County Comprehensive plan and the north western portion of the subject area also includes a protected mountain ridge. The Subject Area is located in the Residential One (R1) zoning district. A City of Hendersonville public water connection is proposed and as public sewer is unavailable the applicant proposes the use of private septic systems.

This revision includes the addition of a 15.39 acre tract of land on the western side of the subject are. On August 16th, 2017 the Henderson County Board of Commissioners approved the request that 3.43 acres of the added 15.39 acre parcel be rezoned from a Hendersonville City Estate Residential (R-40) zoning district to a County Residential One (R1) zoning district.

It should also be stated that this application is a revision to a Master and Development plan that was originally approved in 2006 with the most recent revision being approved in 2012.

PANNING BOARD ACTION REQUESTED:

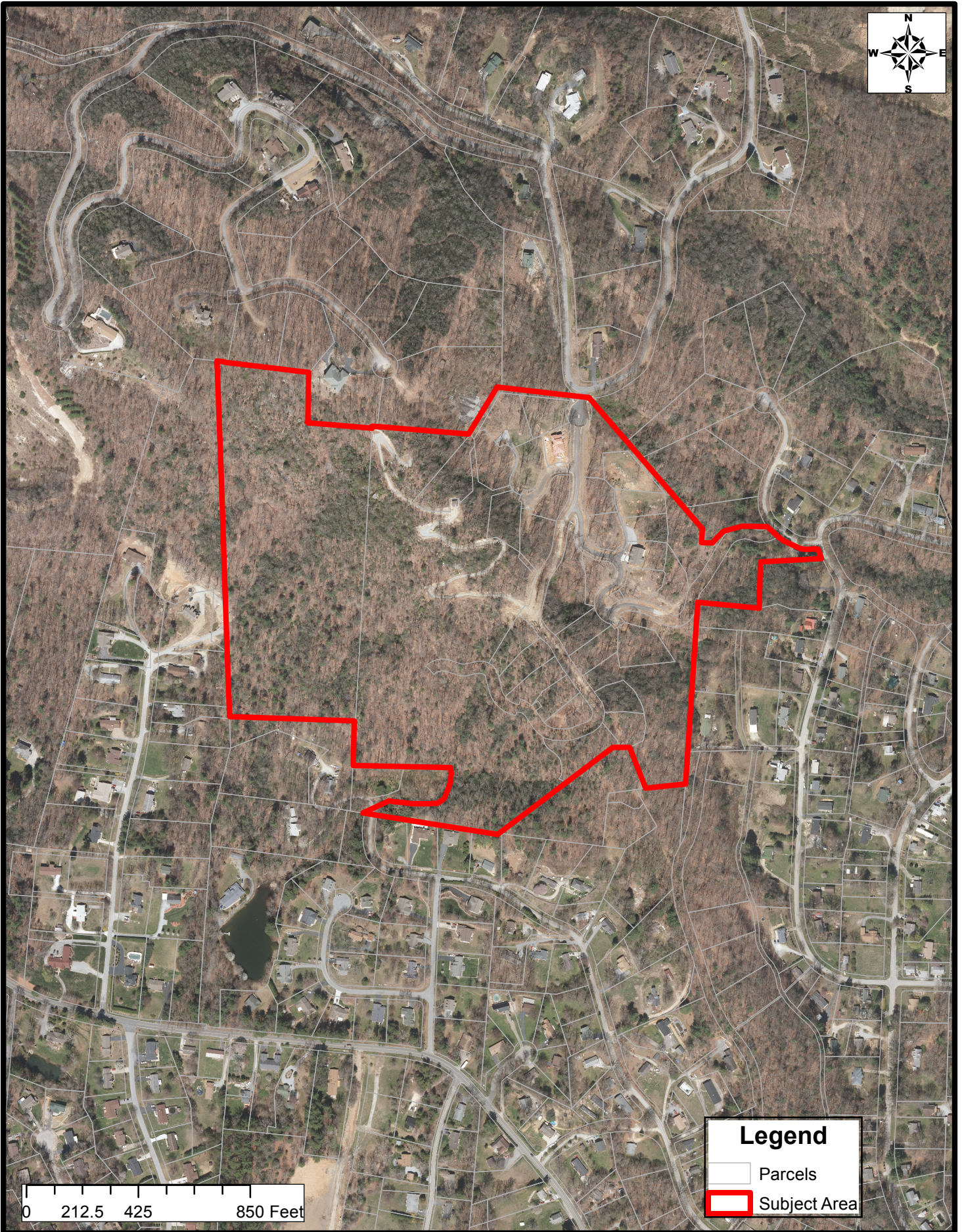
Staff has found no evidence to indicate that the proposed Master and Development Plan does not meet the standards of the subdivision regulations of Chapter 42A, Henderson County Land Development Code (LDC). Staff recommends the Master Plan be subject to the developer addressing any issues raised by the Planning Board and addressing the comments listed in the Staff Report.

Planning Board action to approve, approve with modifications, or deny subdivision application #2007-M01 (2017 Revised Master and Development Plan)

Suggested Motion:

I move that the Planning Board approve, approve with modification or deny subdivision application #2007-M01 (2017 Revised Master and Development Plan) based on the Henderson County Land Development Code and recommendations of the Henderson County 2020 Comprehensive Plan and with any conditions as discussed within the staff report.

Aerial Map



Henderson County Planning Department Staff Report

Revised Master and Development Plan for the Boulders of Hendersonville (2007-M01)

Peter Brower, Owner
Scott Bolyard, Landscape Architect, Creative Development Solutions

Master Plan Comments:

According to Chapter 42A, Henderson County Land Development Code (LDC) §42A-341, the purpose of a Master Plan is to provide general information about the proposed development to allow for an assessment of its impact on the orderly growth and development of the County, environmental quality, land values, natural features identified on the site analysis sketch and the County's roads and governmental services. During the review of the Master Plan, the Technical Review Committee and the Planning Board should take into consideration: applicable recommendations of the Henderson County 2020 Comprehensive Plan, the potential use of the land to be subdivided, and the impact of the subdivision and proposed use whether residential, commercial or industrial.

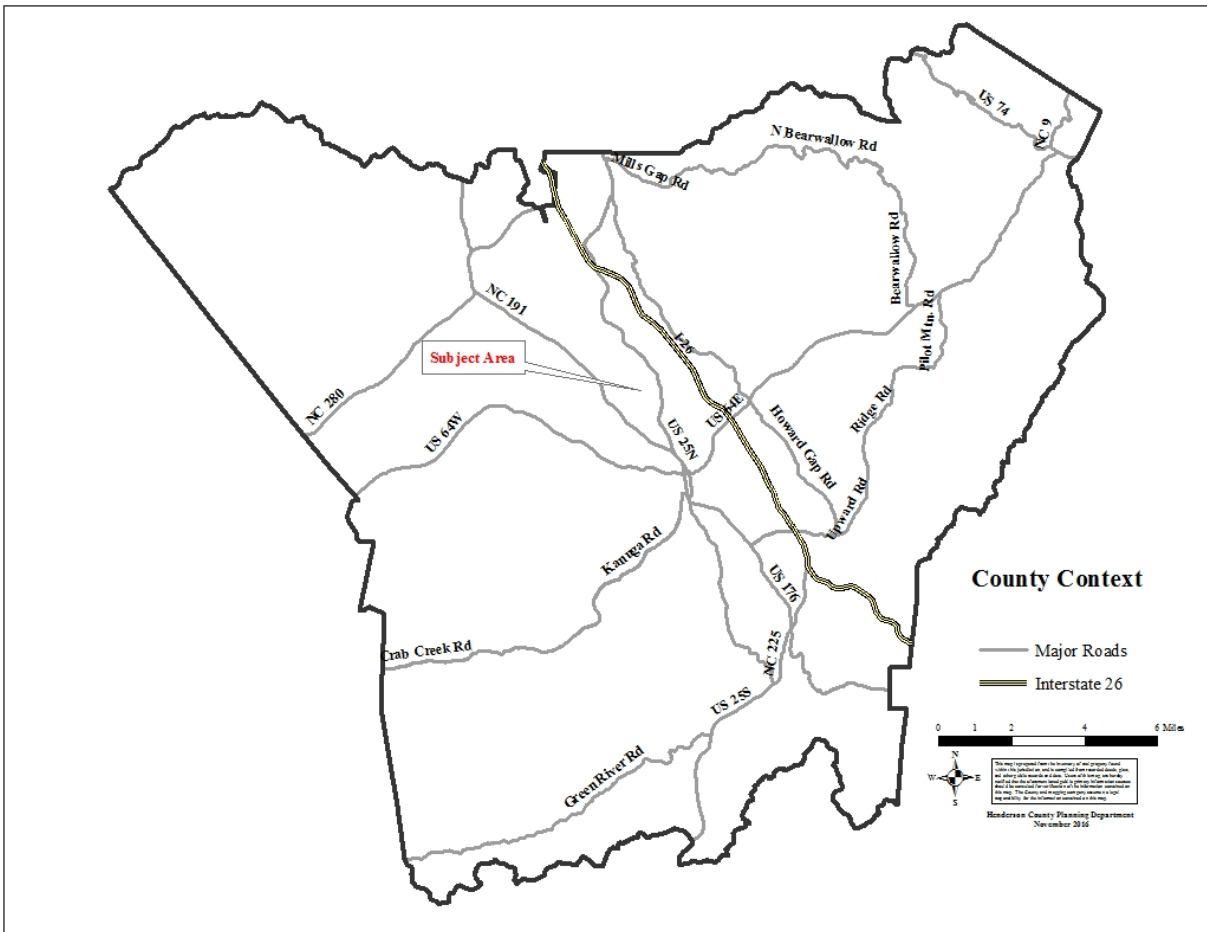
When reviewing the Master Plan it is important to consider that, due to severe topographic conditions, inadequate road access, distance from services, unique natural areas, soils that do not easily support soil drainage systems and/or the proximity to existing and incompatible land uses/zoning, all land may not be suitable to be subdivided for the purpose of dense development (LDC §42-75).

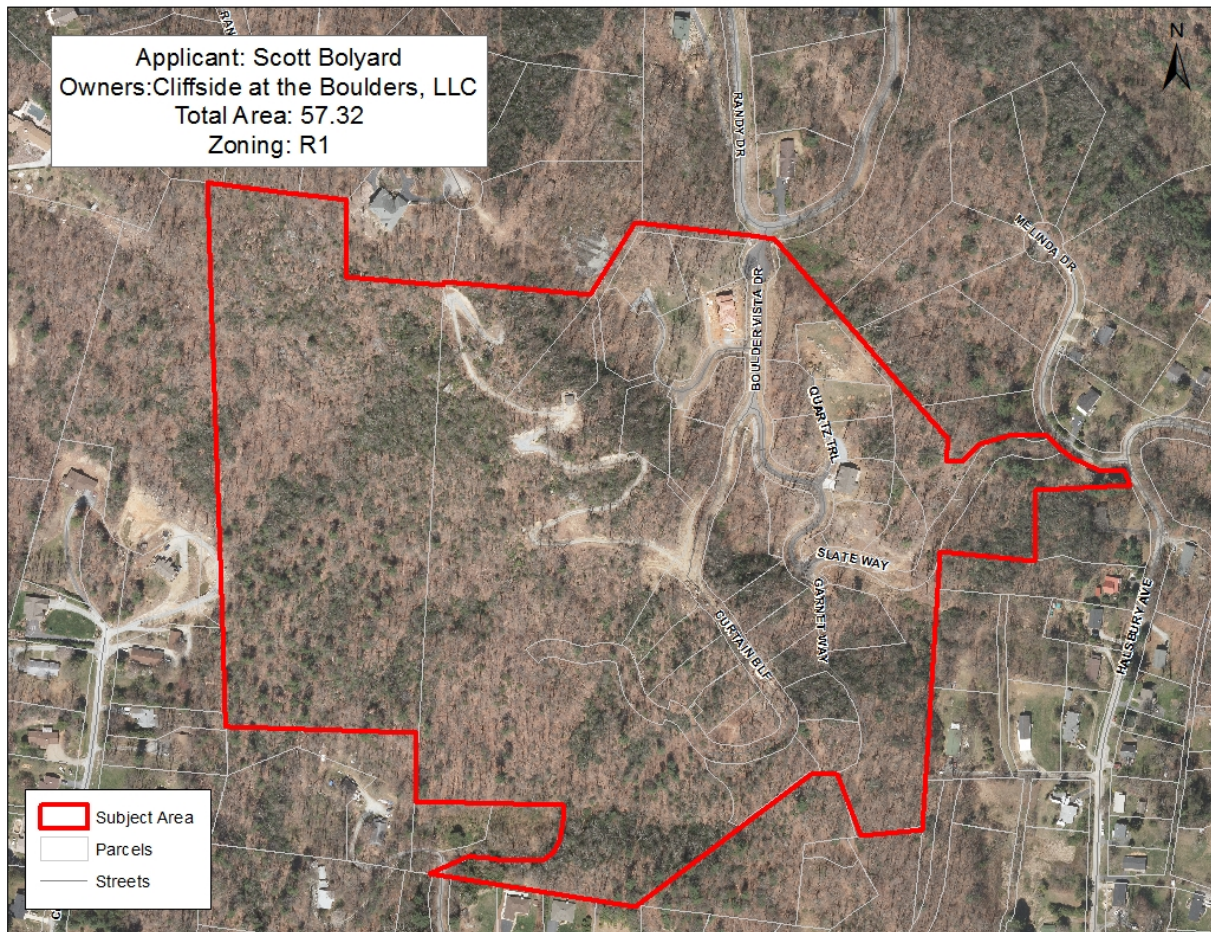
Staff has reviewed the submitted the Master Plan for the Boulders Major Subdivision, taking into consideration the recommendations of the Henderson County 2020 Comprehensive Plan and reviewing the plan for conformance with Henderson County Land Development Code. Staff offers the following comments:

Applicant Overview

- 1. Applicant:** Peter Brower
- 2. Property Owner:** Peter Brower of Cliffside at the Boulders, LLC
- 3. Pins:** 9660-10-0884 and 966-10-0895
- 4. Request:** Major subdivision with 58 Units
- 5. Size:** Approximately 57.32
- 6. Location:** The subject area is located off Randy Drive, above Lyndhurst Drive just north of the City of Hendersonville.

Map A: County Context

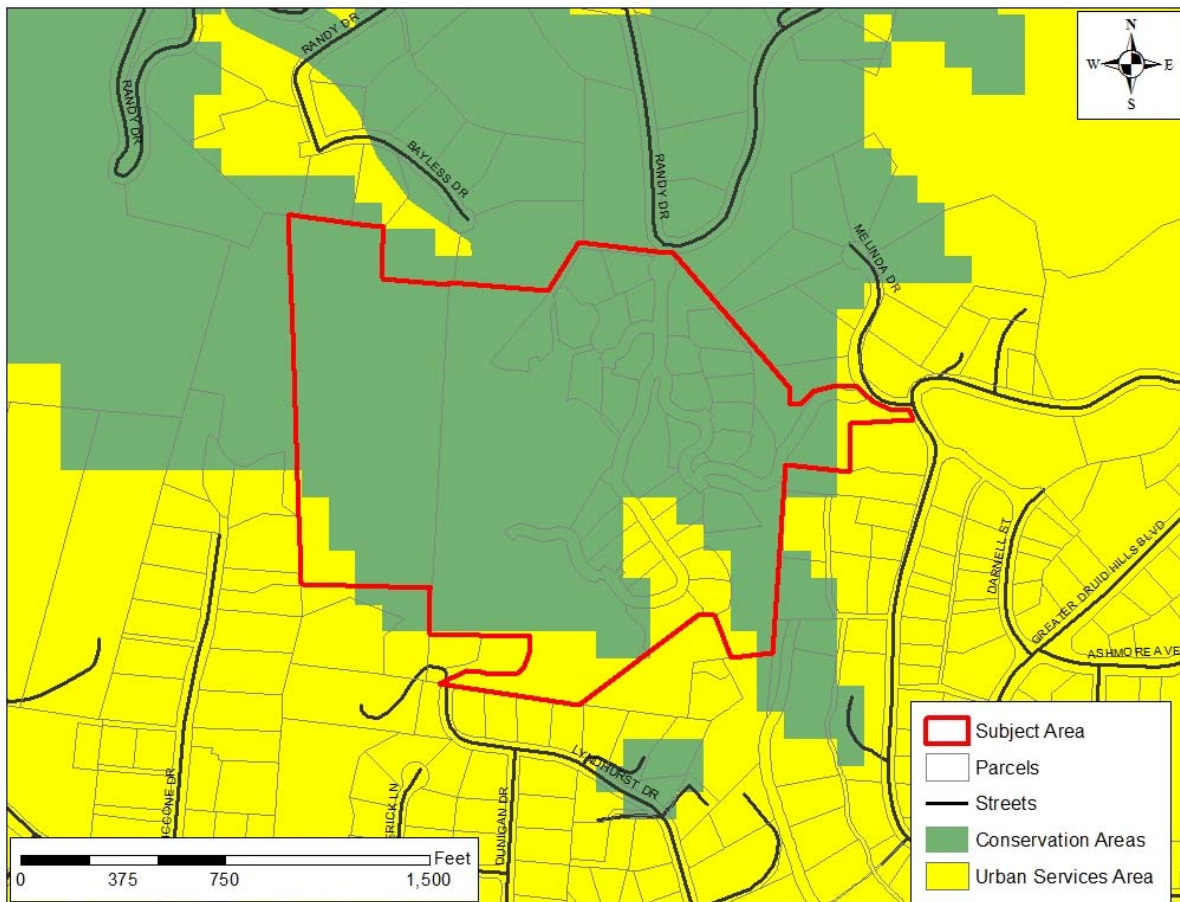


Map B: Aerial

1. **Henderson County 2020 Comprehensive Plan (CCP).** The Future Land Use Map of the CCP shows the project site as being located within each of the following areas: Conservation Area and Urban Services Area (USA) (See Map C: CCP Future Land Use Map).

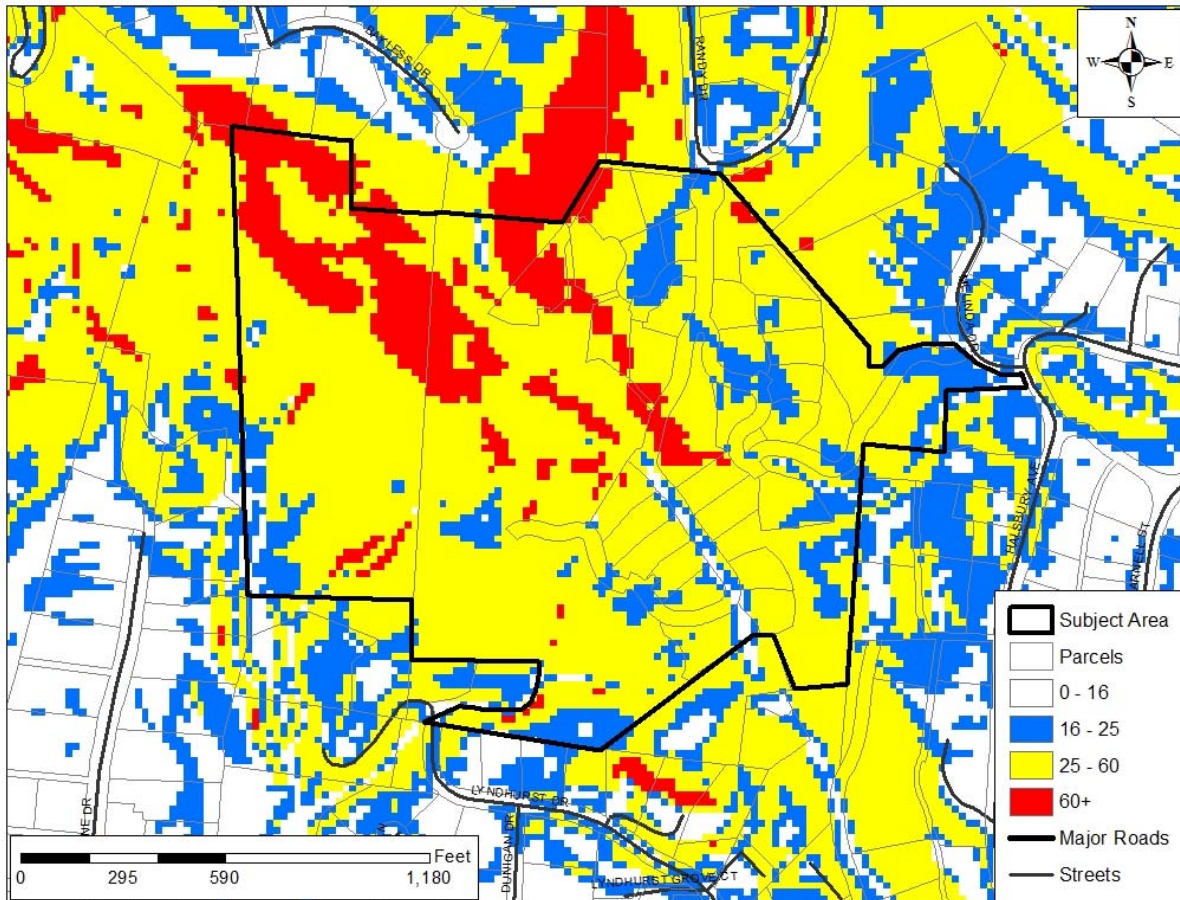
(a) **Conservation Area.** The conservation area designation is applied to a majority of the project site, largely due to slope and a protected mountain ridge (See Map C: CCP Future Land Use Map, Map D: Slopes Map, and Map E: Protected Ridges). The overwhelming majority of slopes within the project site appear to be in excess of 25 percent, with portions having slopes in excess of 60 percent. According to the plan, only a minority of the steep slope areas within the project site appear to be located in designated common area/open space. The CCP states that conservation lands “are intended to remain largely in their natural state, with only limited development,” and further that “such areas should be targeted for protection through regulations and incentives” (2020 CCP, Pg. 138).

Map C: County Comprehensive Plan Future Land Use Map



(b) **Urban Services Area.** The Urban Services Area (USA) designation of the Growth Management Strategy is applied to portions of the project site. The USA is that area within which most urban services and urban-scale development is currently concentrated, and within which such development should generally be concentrated through the year 2020 (CCP, Pg. 132). The text and map of the 2020 CCP suggest that wide ranges of residential densities will exist in the USA. Over the long term, land use regulations and policies should favor higher density development, consistent with natural constraints and the availability of urban services. At the same time, policies and regulations should protect existing less-intensely developed communities. (CCP, Pg. 133)

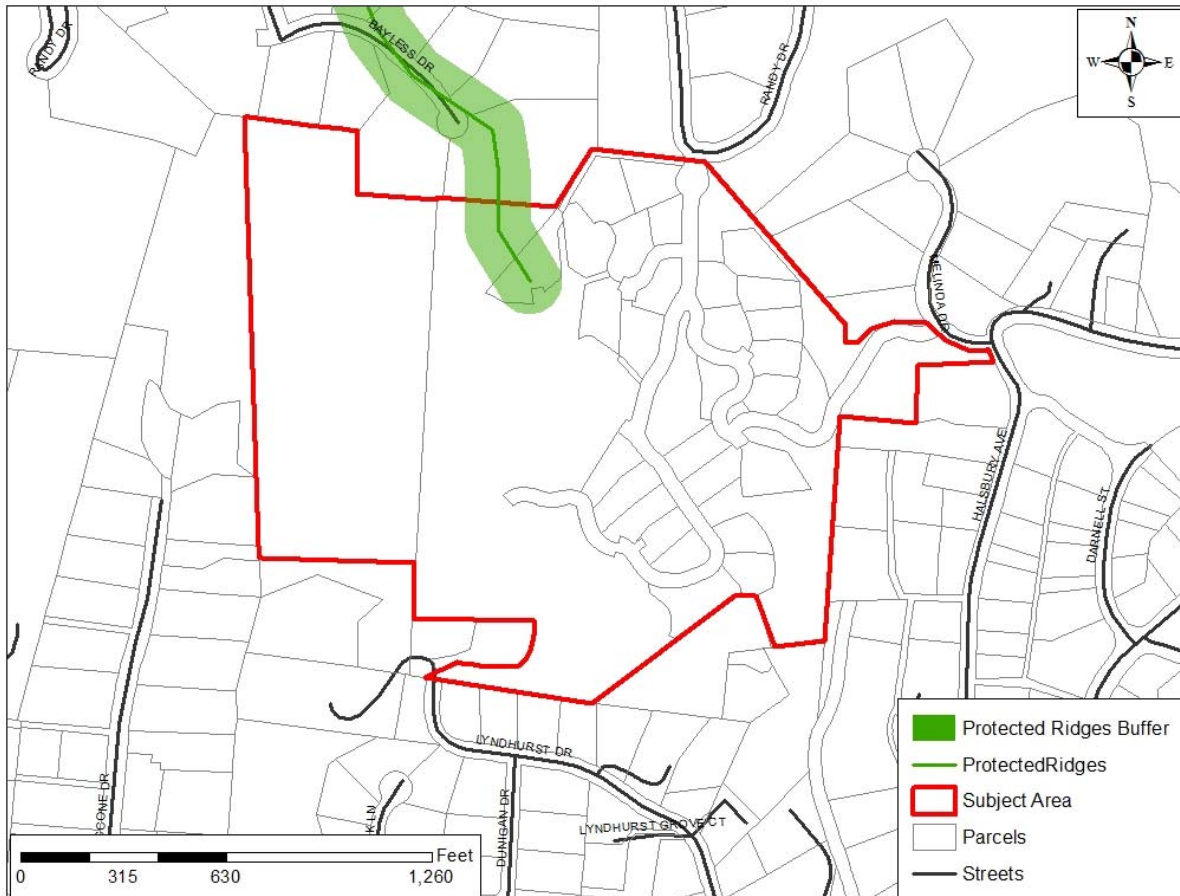
According to the plan, the project would have an average density of approximately 1.03 units per acre. The CCP states that higher density residential development should be concentrated in the Urban Services Area and that regulations should target Conservation Area and areas with steep slopes for protection.

Map D: Slope Map

1. **Protected Mountain Ridges.** The project site appears to contain an area effected by the Mountain Ridge Protection Ordinance which states that the provisions of NCGS 113A-209 apply to all mountain ridges in Henderson County whose elevation is 500 feet or more above the adjacent valley floor (Map E: Protected Mountain Ridges). NCGS 113A-209 states that no county may authorize the construction of, and no person may construct, a tall building or structure on any protected mountain ridge. The definition of a tall building found in NCGS 113A-206 is any building with a vertical height of more than 40 feet measured from the top of the foundation and the uppermost point of the building. Additionally, where such foundation measured from the natural finished grade of the crest or the natural finished grade of the high side slope of a ridge exceeds three (3) feet, then such measurement in excess of three (3) feet shall be included in the 40-foot limitation provided that no such building protrudes at its uppermost point above the crest of the ridge by more than 35 feet. The area of ridge under protection is defined as the elongated crest or series of crests at the apex or uppermost point of intersection between two (2) opposite slopes or sides of a mountain, and includes all land 100 feet below the elevation of any portion of such line or surface along the crest. Planning Staff recommends, as a condition of approval, that the Applicant shall adhere to the Mountain Ridge Protection regulations of the County which state that the provisions of NCGS 113A-209 apply to all mountain ridges whose elevation is 500 feet or more above the

adjacent valley floor. Planning staff also recommends that the applicant be required to delineate the protected ridge area on the development plan(s) showing the area within 100 feet below the crest(s).

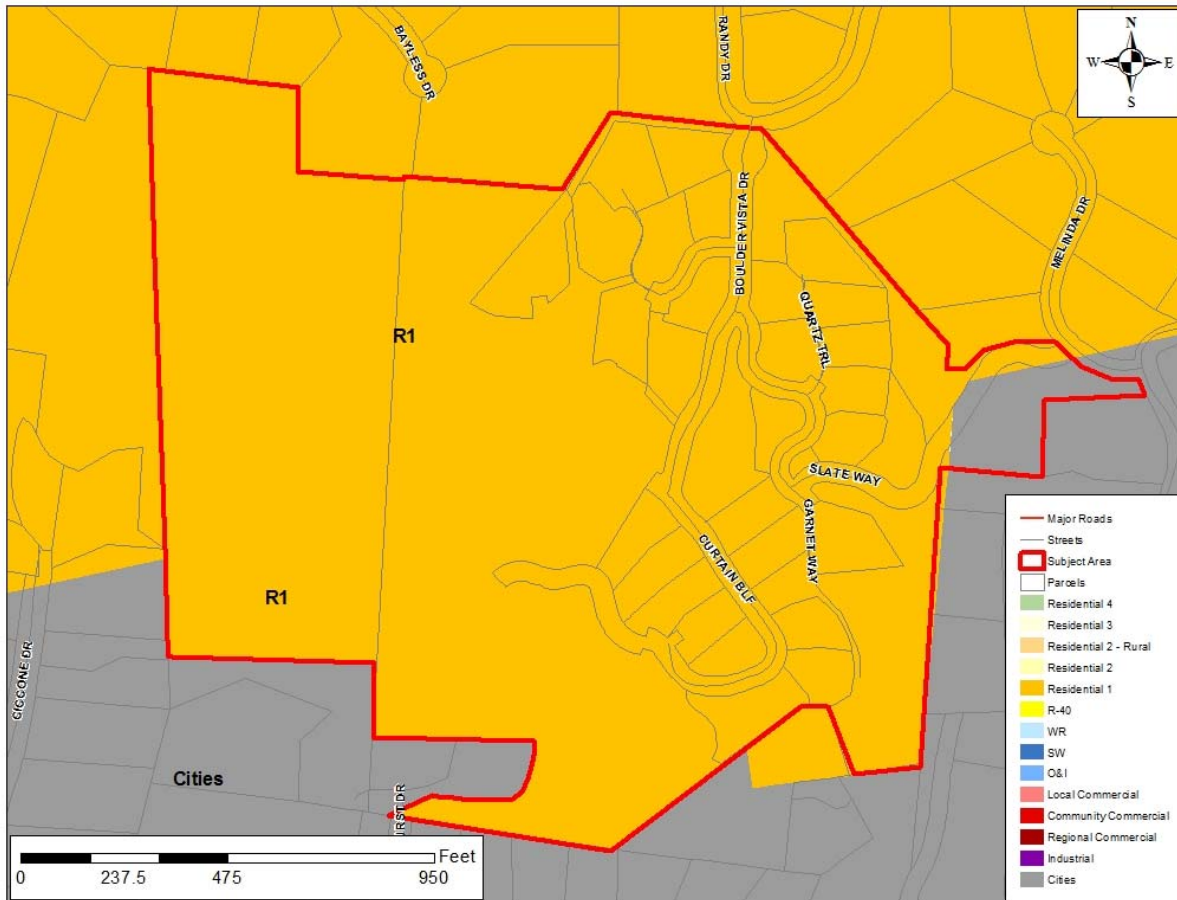
Map E: Protected Mountain Ridges Map



2. **Chapter 200A, Henderson County Land Development Code (LDC).** According to Chapter 200A, Henderson County Land Development Code (LDC) and its Official Zoning Map adopted September 19, 2007 (as amended), the proposed project site is located within the Residential One (R1) (See Map F: Official Zoning Map). The R1 district allows for single-family residential development.

R1 allows for a standard residential density of 4 units per acre where the slope is less than 60 percent. At total of 34.9 acres are in this category, meaning 139 units would be permitted within this acreage. Where slopes are 60 percent or greater, the density shall be one-half (½) of the eligible density (2 units per acre). A total of 6.8 acres of the project site are in this category, meaning a total of 13 units would be permitted. Therefore, the LDC allows for a maximum of 153 units on the project site. The Master Plan proposal of 58 units would fall within the density permitted by the LDC.

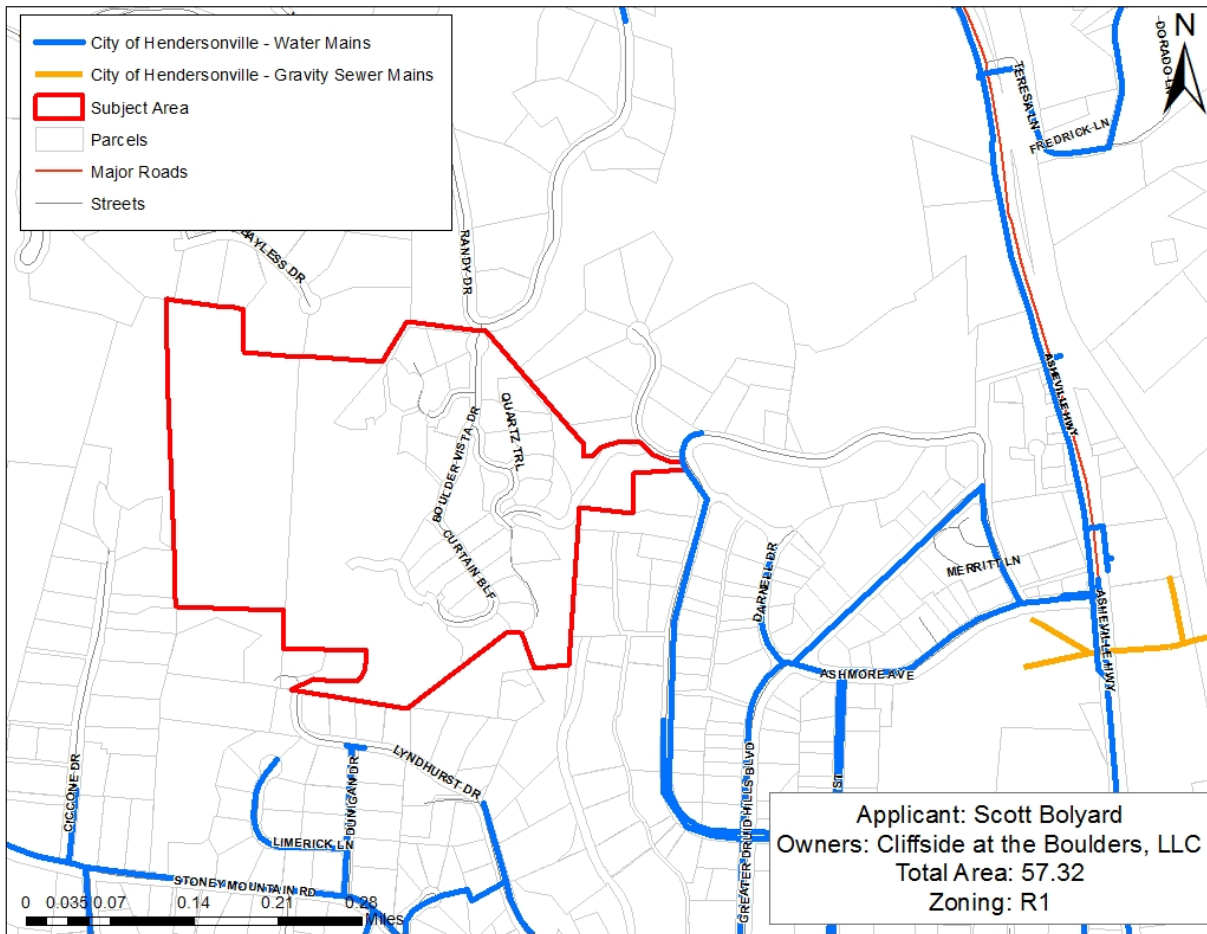
Map F: Official Zoning Map



3. **Water and Sewer Availability.** Applicant proposes a public connection to the City of Hendersonville water system on Melinda Drive. The water system within the project site is proposed to be private. The distance to public water from the project site on Melinda drive is 100 feet. The distance to public water from the project site on Lyndhurst Drive is 400 feet.

Applicant proposes private septic systems. Master plan provides a distance to public sewer (from Randy Drive to US 25 N) of 3,500 feet. The site is not close enough to public sewer to require connection (LDC §42-113 C.5).

Map G: Public Water and Sewer Map



Master & Development Plan Comments:

1. **Soil Erosion and Sedimentation Control Plan.** The Applicant shall submit written notice from the appropriate local agencies verifying that an Erosion and Sedimentation Control Plan has been received or a written notice from a professional land surveyor, engineer, landscape architect, architect, or professional planner certifying that no plan is required (LDC §42-113B).

2. **Fire Protection Requirements.** The Henderson County Fire Marshall and Planning Department determined that in-house sprinkler systems for each residential dwelling proposed in the Boulders of Hendersonville project would be acceptable as an adequate fire suppression alternative. Sprinkler systems will be required to be built to the National Fire Protection Association standard 13D for the installation of sprinkler systems in residential occupancies.

Because the applicant is choosing to provide in-house fire sprinklers in lieu of providing fire hydrants within the development, as a condition of approval, the applicant shall enter into a binding agreement in the form of a restrictive covenant between the applicant and the County

regarding provision of in-house sprinklers. Such provision shall require constructing each home with a 13D sprinkler system. The Subdivision Administrator shall review and approve the restrictive covenant language prior to recordation by the applicant.

3. **Private Roads.** Phase 3a, 3b, 4a, 4b and Phase 5 are proposed to include private roads. Private subdivision collector roads include: Boulder Vista Drive. Private subdivision local roads include: Garnet Way, Curtain Bluff, Marble Heights Trail and Slate Way. Private subdivision limited local roads include: Quartz Trail. In Phase 4a and 4b the applicant is proposing two (2) private driveway easements, shown as “Shared Private Driveway”. The proposed private roads appear to and must, as a condition of approval, meet the standards of LDC §42-104. The final plat(s) must contain a note stating: *The private roads indicated on this final plat may not meet the requirements of the North Carolina Department of Transportation for acceptance into the state road system.* Planning Staff proposes the following conditions to ensure the private roads meet the standards of the Land Development Code:
 - a. **Road Drainage and Culverts.** Road or drainage structures shall be constructed in accordance with state roads standards. Road drainage side ditches shall be constructed with sufficient depth and width to carry the expected volume of storm water runoff (LDC §42-100).
 - b. **Road Construction.** A professional engineer or professional land surveyor certify on the final plat that no portion of the constructed roads have grades that exceed maximum allowable grade as defined for each class of road or submit a final as-built graded center line profile showing grade and alignment for all roads (LDC §42-96).
4. **Road Access& Second Project Entrance.** As a condition of approval, when the total lot amount within the Boulders of Hendersonville project area reaches 35 lots the applicant/owner will be required to construct the second entrance connecting to Melinda Drive as shown on the Master Plan within Phase 5.
5. **Open Space: Conservation Subdivision Standards.** Of the approximate 57.32 acres within the project site, 26.6% (15.25 acres) is proposed as conservation area. This amount, meets the 25% conservation area requirement for the Conservation Subdivision Option in the Land Development Code.
6. **Permanent Protection of Open Space and Management of Open Space.** The applicant submitted a management plan for all proposed open space. Requirements for the plan can be found in §42-88C. Open Space proposed for a conservation subdivision shall be protected in perpetuity by a binding legal document that is recorded with the deed. The document shall be one of the following 3 options: Permanent Conservation Easement, Permanent Restrictive Covenant, or an equivalent legal tool that provides permanent protection. Proof of a recorded legal instrument as well as an Open Space Management Plan must be submitted to the Planning Department before the final plat for the subdivision can be approved (§42-88 C & D).

7. **Street Tree Requirements.** According to the street tree requirements of the LDC §42-176 & 178 the applicant must provide one tree per 50 linear feet of property abutting an internal road. Trees may be placed in groups with a minimum spacing of no less than 15 feet and a maximum spacing of no more than 65 feet. The trees must be placed within the right-of-way or within 20 feet of the edge of the right-of-way. The applicant may use existing trees in accordance with §42-153 instead of planting new trees. These existing trees must also be located within the right-of-way or 20 feet of the edge of the right-of-way as required by §42-178. It appears that the applicant is proposing seventeen (17) trees to satisfy the street tree requirements. Seven (7) of the proposed seventeen (17) will be new, and are proposed to be Cornus Florida 'Cherokee Princess' Dogwood trees.
8. **Shoulder Stabilization.** All areas disturbed by the construction of a private road, including cut and fill slopes, shoulders and ditch banks, shall be seeded to stabilize the soil and prevent erosion. Seeding should be done as soon as feasible after road construction (LDC §42-97).
9. **Road Name Approval.** Proposed road names for a private and/or public road shall be preapproved by Henderson County in accordance with Chapter 142 of the Henderson County Code, Property Addressing (LDC §42-98). The applicant lists the proposed road names for most road segments. The names of the shared drives should be confirmed with the development plan approval.
10. **Protected Mountain Ridges.** The Applicant shows to adhere to the Mountain Ridge Protection regulations of the County which state that the provisions of NCGS 113A-209 apply to all mountain ridges whose elevation is 500 feet or more above the adjacent valley floor. The applicant indicates the protected ridge area on the development plan(s) showing the area within 100 feet below the crest(s).
11. **Subdivision Names.** The final plat shall contain certification that the public records of the County have been searched and the proposed subdivision name meets the standards set forth in this Chapter (LDC §42-85).
12. **Miscellaneous Advisory Provisions.** The Applicant should become familiar with the Miscellaneous Advisory Provisions of the LDC §42-87.
13. **Final Plat Requirements.** The Final Plat(s) must meet the requirements provided by the Planning Department whenever a subdivision of land occurs (LDC §42-343).
14. **Private Driveway Easements.** Final plats must contain a note conveying maintenance responsibility of the easement to the homeowners' utilizing it to access their property. The note shall state easement(s) must be maintained to allow clear passage for emergency response vehicles. Where private driveway easements are used, the surveyor or engineer shall place and execute the surveyors certificate shown in the LDC §42-104D.

Technical Review Committee

1. TRC reviewed the application at its regularly scheduled October 3rd, 2017 meeting. Finding no technical violations to the County Land Development Code approved the application by unanimous vote.

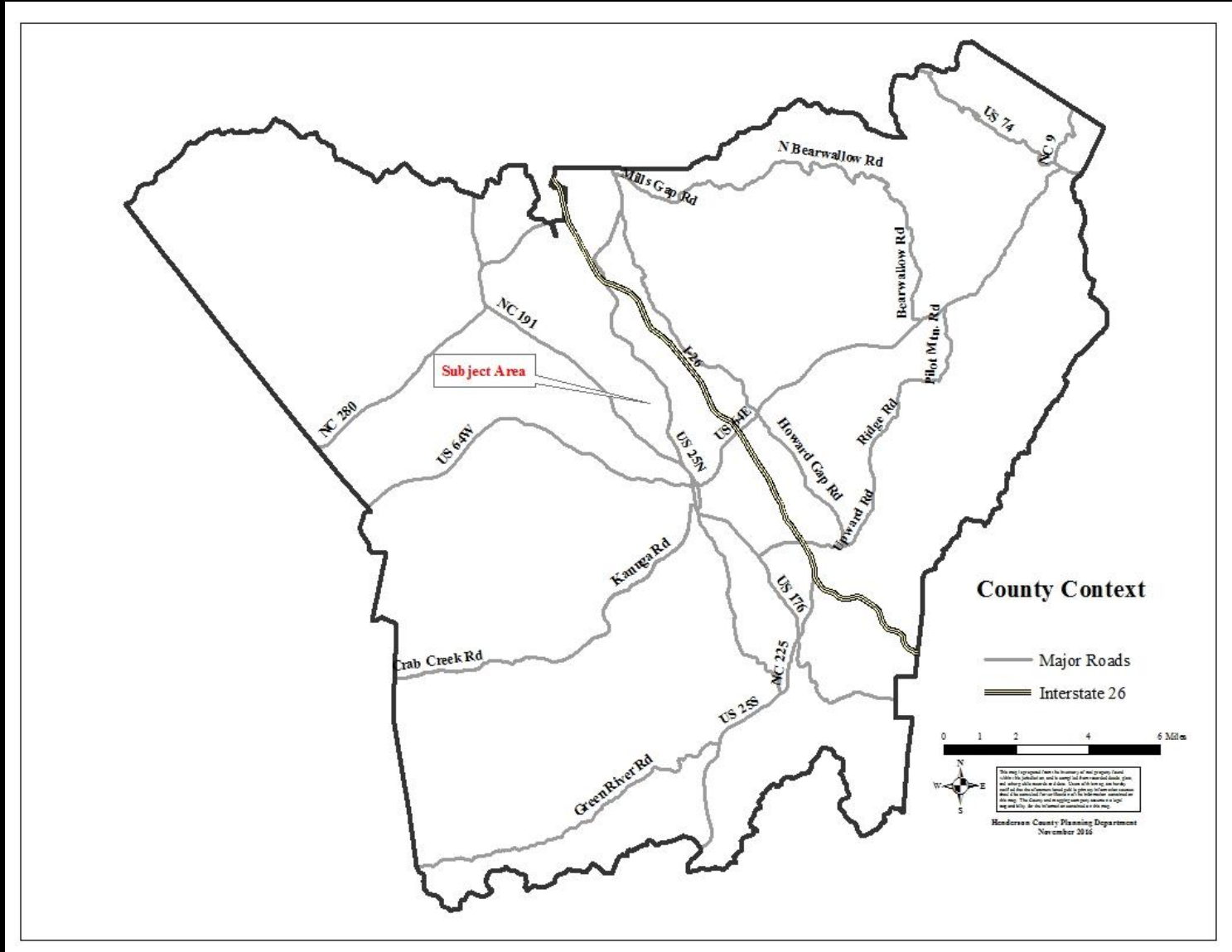
Subdivision Revised Master and Development Plan The Boulders



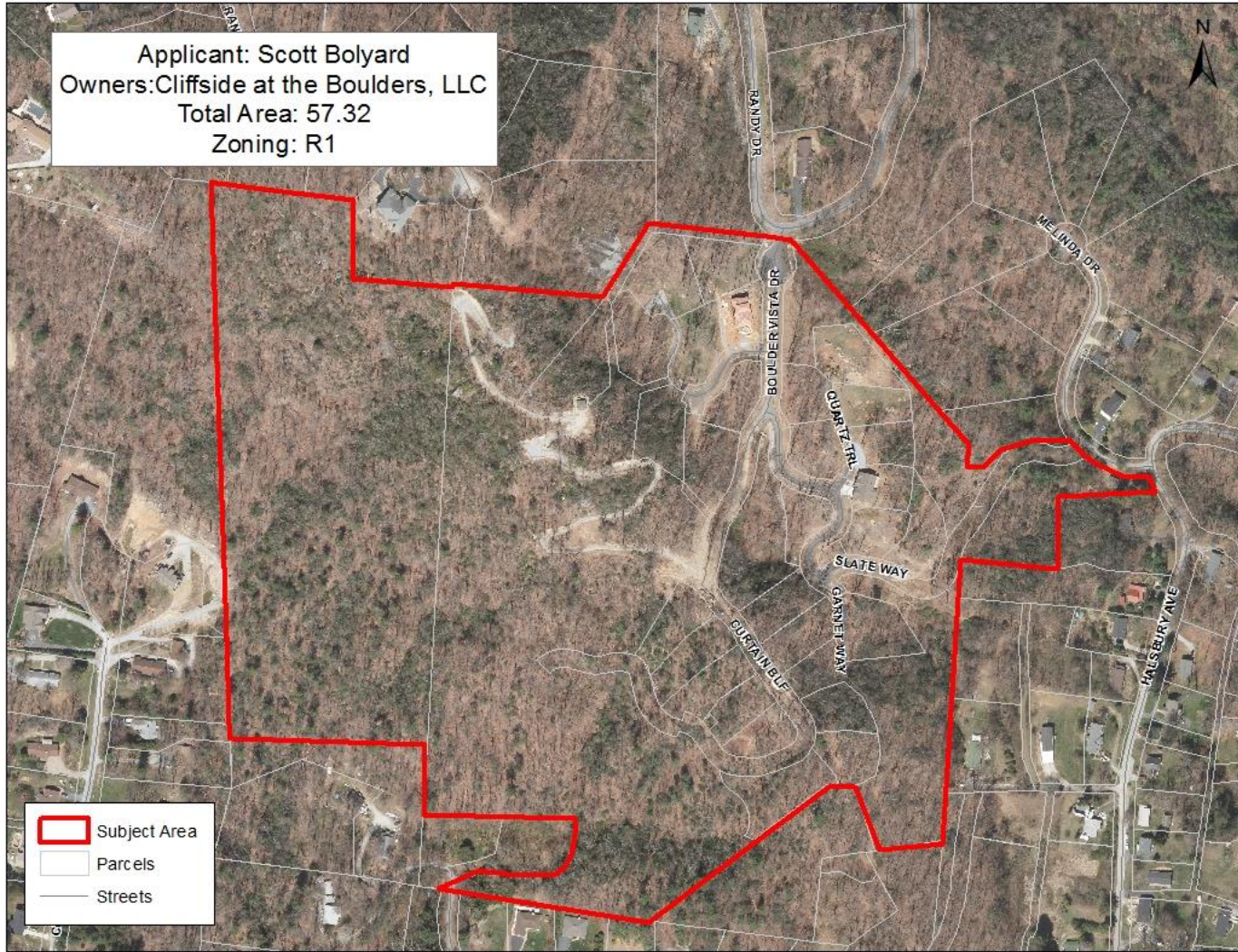
**Henderson County Planning Board
November 16, 2017**

Henderson County Planning Department

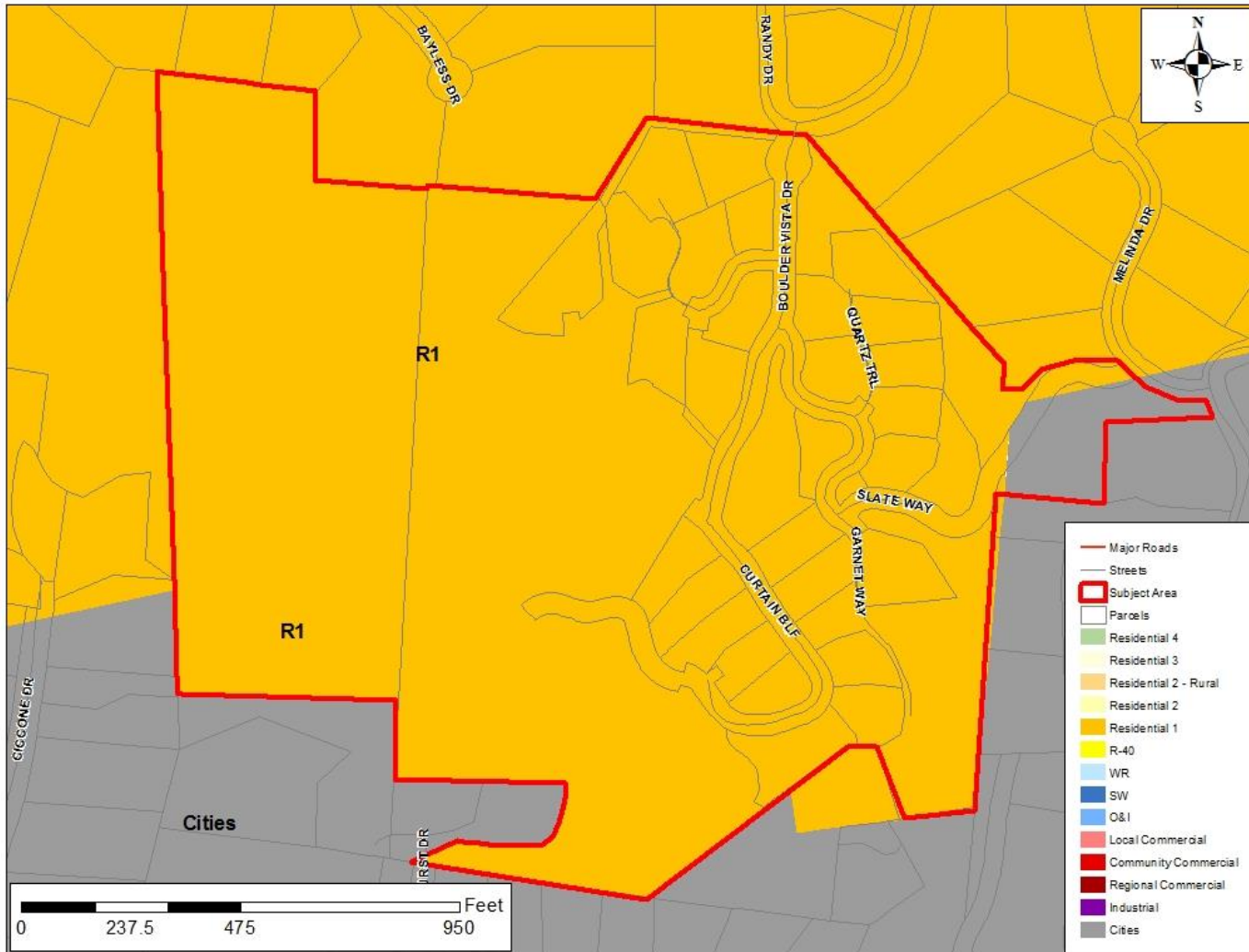
County Context



Aerial Map

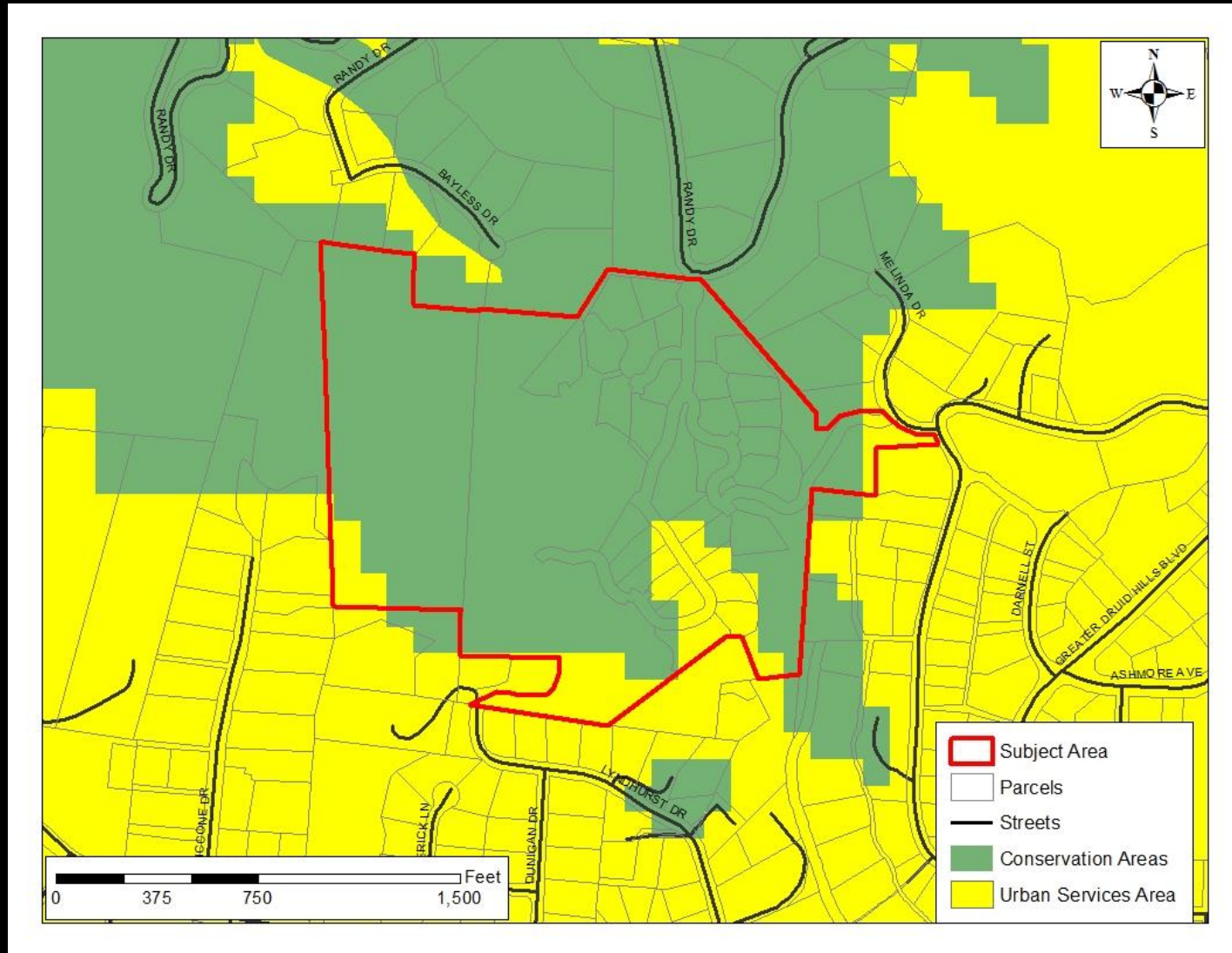


Current Zoning Map



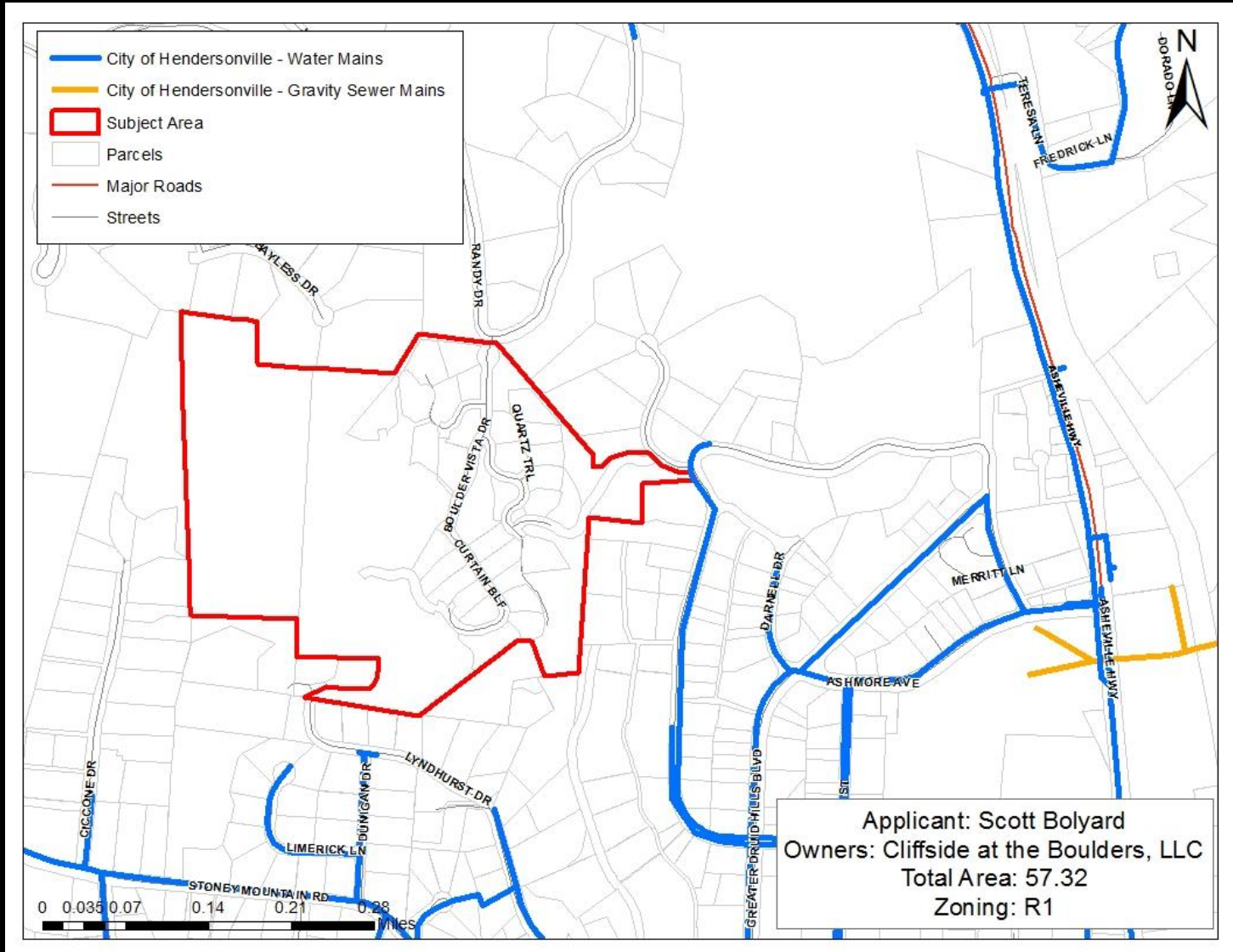
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Future Land Use Map

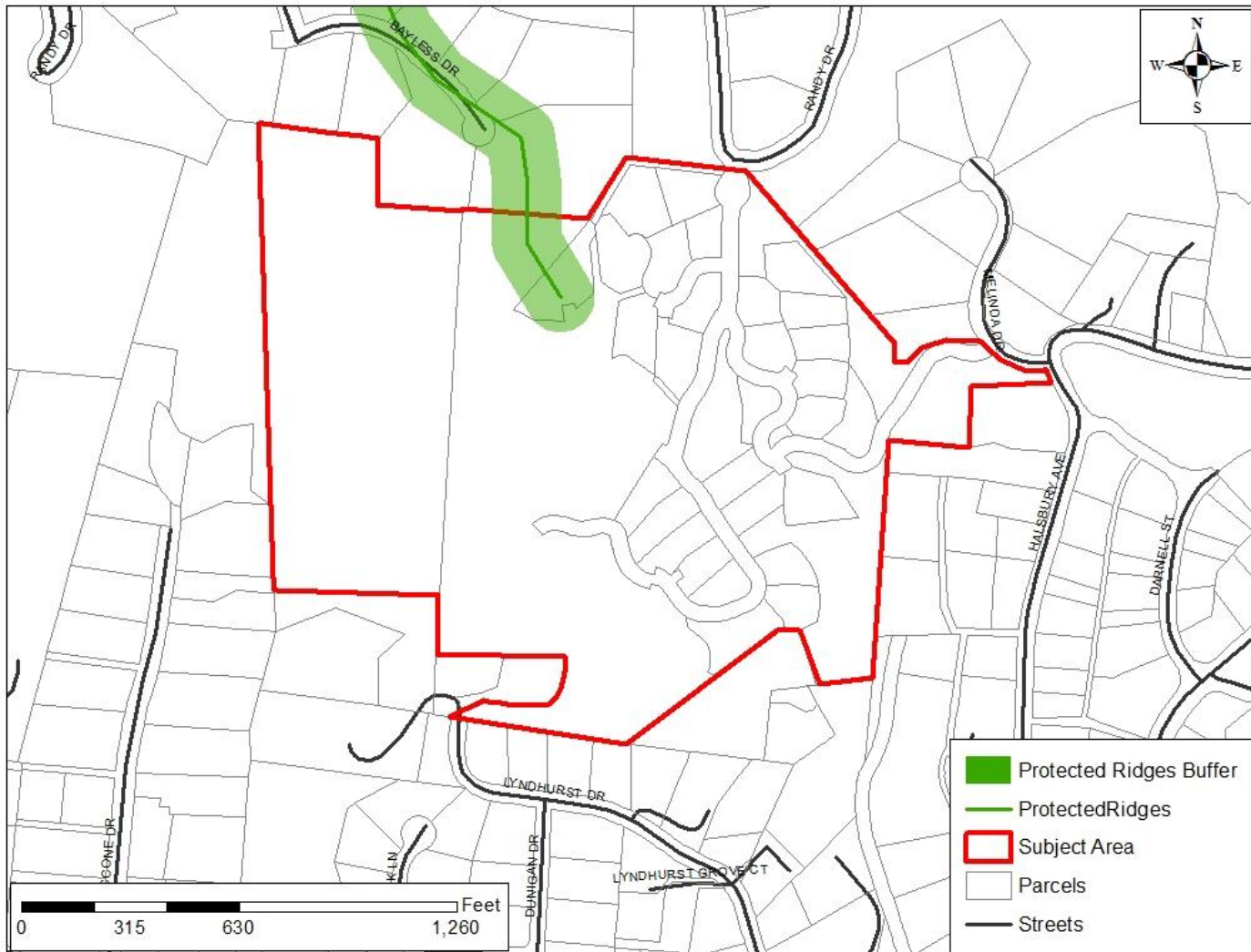


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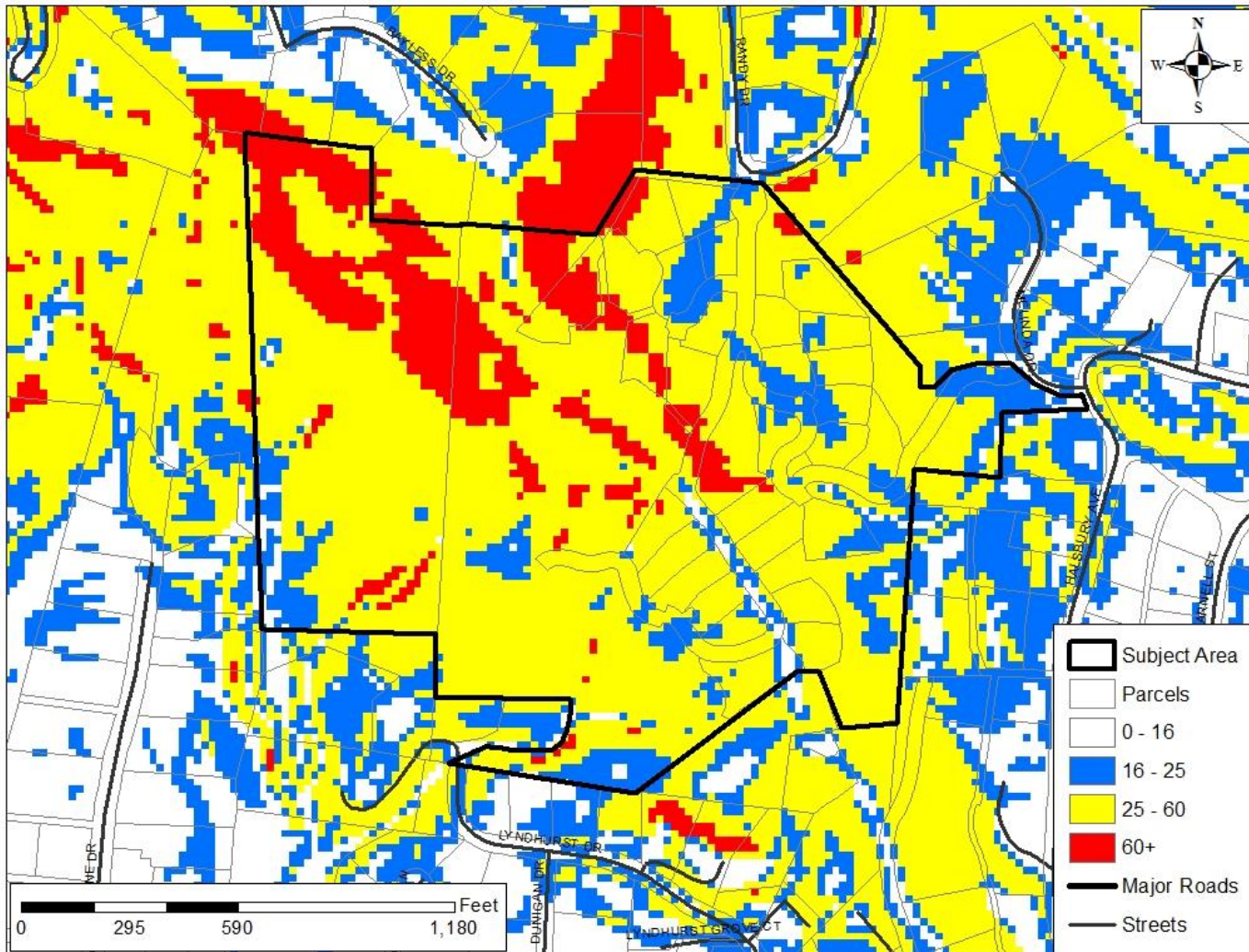
Utilities



Protected Ridge Buffer



Percent Slope



Henderson County Planning Department

Master Plan Overview

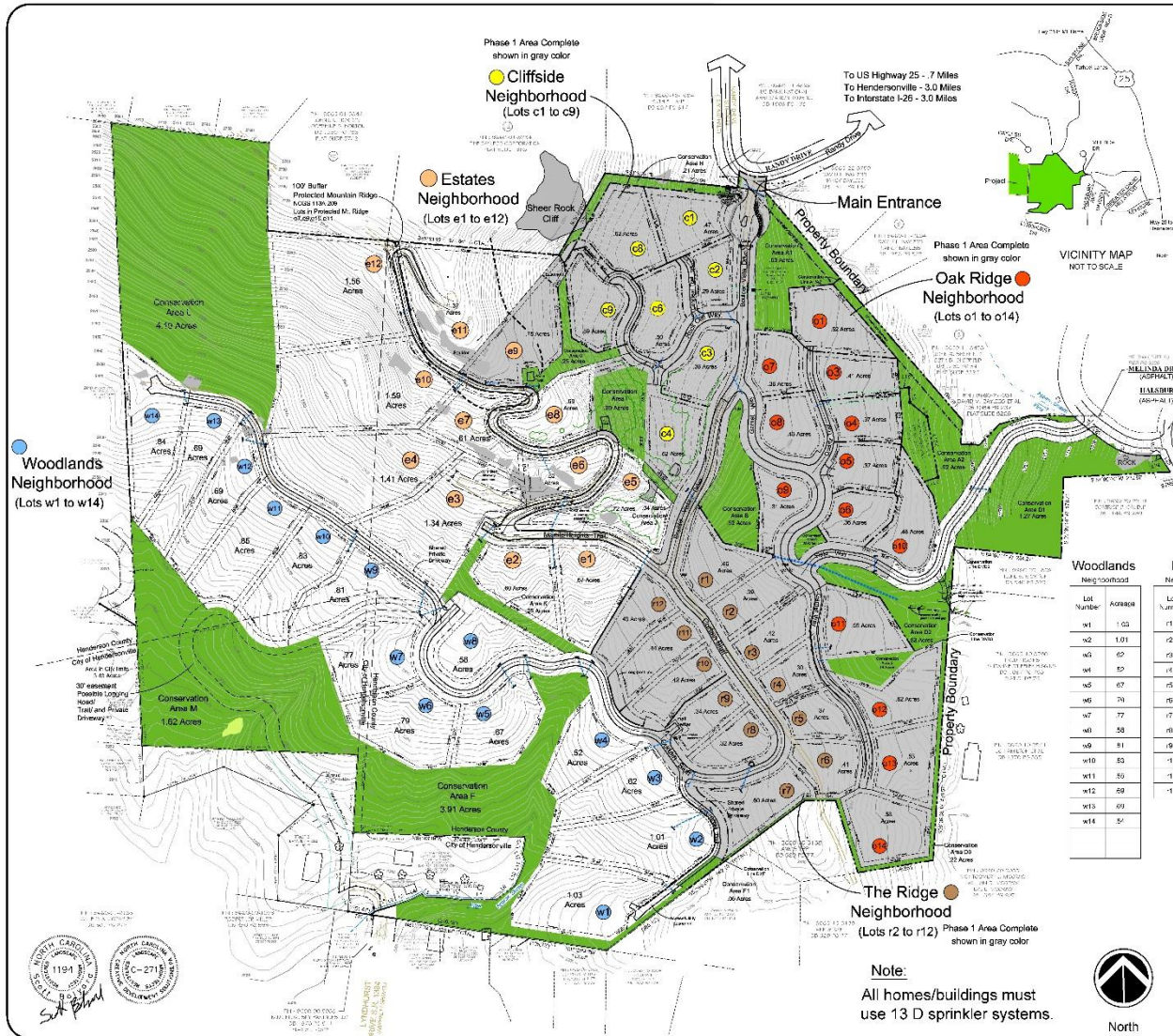
- 57.32 acres (approximately)
- 58 Units
- Average Density – 1.03 Units/Ac.
- Original Master Plan Approved in 2006
- Includes the addition of 3.43 acres on the western boundary which was formally City of Hendersonville ETJ and rezoned at the August 16th Board of Commissioners Meeting (R-2017-03)

Technical Review Committee

- The TRC reviewed the Master Plan on October 3rd
- Finding no technical violations to the County Land Development Code approved the application by unanimous vote

**Planning staff reviews master plans to determine if proposed development meets criteria laid out in the LDC. No opinion on the development is offered.

Master Plan Overview



Overall Project Summary

Current Zoning Classification = R1
 Total Project Area = 57.32 Acres
 Number of Proposed Lots = 58
 Density of Master Plan = 1.03 Lots Per Acre
 Permitted Density of Property = 4 Units Per Acre
 Acreage of Land with 60% slopes or greater = 13.3 acres
 Minimum Lot size in square feet = 12,533 s.f. - Lot C2
 Length of proposed private roads = 4,667 Lf.
 Length of proposed private shared driveways = 3,838 Lf.
 Proposed Water System = Public Connection, Private System (City of Hendersonville from Melinda Drive)
 Distance to Public Water System = 100' Melinda Drive / 400' Lyndhurst Drive
 Proposed Sewer System = Private Septic Systems
 Distance to Public Sewer System = 3500' Randy Drive to US 25
 Perennial Streams Affected: None on Site
 Area in Conservation/Open Space: 15.25 acres
 28.8% of project area
 All open space areas are greater than 30% = primary conservation
 Primary conservation Areas = 15.25 acres
 Conservation Use = undeveloped woodland and underground utilities
 There are no agricultural operations on this site.

- Development Notes**
- Existing Conservation Areas are shown at 2' contour for Ridge, Oak Ridge, Cliffside Drive Entrance and Oak Ridge Lot C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, C11, C12, C13, C14, C15, C16, C17, C18, C19, C20, C21, C22, C23, C24, C25, C26, C27, C28, C29, C30, C31, C32, C33, C34, C35, C36, C37, C38, C39, C40, C41, C42, C43, C44, C45, C46, C47, C48, C49, C50, C51, C52, C53, C54, C55, C56, C57, C58, C59, C60, C61, C62, C63, C64, C65, C66, C67, C68, C69, C70, C71, C72, C73, C74, C75, C76, C77, C78, C79, C80, C81, C82, C83, C84, C85, C86, C87, C88, C89, C90, C91, C92, C93, C94, C95, C96, C97, C98, C99, C100, C101, C102, C103, C104, C105, C106, C107, C108, C109, C110, C111, C112, C113, C114, C115, C116, C117, C118, C119, C120, C121, C122, C123, C124, C125, C126, C127, C128, C129, C130, C131, C132, C133, C134, C135, C136, C137, C138, C139, C140, C141, C142, C143, C144, C145, C146, C147, C148, C149, C150, C151, C152, C153, C154, C155, C156, C157, C158, C159, C160, C161, C162, C163, C164, C165, 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Questions?

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